



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,141	09/21/1999	WALTER BRUCE GALT	RR10432	3058

7590

01/16/2003

DUKE W. YEE
CARSTENS YEE & CAHOON, LLP
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/16/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/400,141

Applicant(s)

GALT ET AL.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,28-49 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20,28-49 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 14-16, 28-29, 31, 34-36, 43-45, 57 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Harlow et al (US Pat # 5,206,901).

Regarding claims 1 and 31, Harlow teaches a method in a communications system for routing a call, the method comprising: receiving a call (see col.8, line 51); identifying call routing information for the call (this reads on the destination directory number see col.8, lines 52-60); responsive to identifying call routing information, determining whether a function has been selected for routing the call (the function here reads on activating/deactivating of the call forwarding feature); and responsive to a determination that a function has been selected for routing the call, routing the call using a sequence of destinations associated with the function (see col.8, lines 36-47).

Claim 57 and 59 are rejected for the same reason with respect to claims 1 and 31.

Regarding claims 4 and 34, Harlow teaches monitoring results from routing of the call; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (see col. 6, lines 48-55).

Regarding claims 5 and 35, Harlow teaches the call is routed to a subscriber associated with the function. These claims will be rejected for the same reasons as claims 1 and 31.

Regarding claims 6 and 36, Harlow teaches monitoring results from routing of the call to the subscriber; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (this basically reads on routing the call from the primary number to the secondary number in the case of busy, see col.8, lines 35-47).

Claims 44 is rejected for the same reasons with respect to claims 6 and 36

Regarding claim 14, Harlow teaches a method in a communications system for call routing a call, the method comprising: receiving a call to a subscriber; routing the call using call routing information associated with the subscriber; monitoring results from routing of the call to the subscriber; and automatically modifying the call routing

information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (see col. 8, lines 35-47).

Regarding claim 15, Harlow teaches the step of routing the call comprises: routing the call to a main destination; and responsive to an absence of an answer at the main destination, routing the call to an alternate destination.

Claim 15 is rejected for the same reason as claim 14.

Regarding claim 43, wherein communications system for call routing a call, the communications system comprising: receiving means for receiving a call to a subscriber; with the subscriber; subscriber; and routing means for routing the call using call routing information associated monitoring means for monitoring results from routing of the call to the modifying means for automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information.

Claim 43 will be rejected same as claim 1 and 31.

Regarding claim 16, Harlow teaches a method in a communications system for call routing a call, the method comprising: receiving a call to a subscriber; identifying a time of the call; routing the call to the first destination in an ordered set of destinations for the subscriber based on the time of the call; responsive to an absence of an answer of the

call at the first destination, routing the call to a second destination in the ordered set of destinations; responsive to an absence of an answer of the call at the second destination, routing the call to a third destination in the ordered set of destinations; and responsive to an answer of the call at the third destination for a number of times, selecting the third alternate destination as the first alternate destination.

Claims 16 and 45 will be rejected same as claim 1 and 31.

Regarding claim 17, Harlow teaches the second alternate destination (which reads here as the secondary number) is selected as the first alternate destination for a temporary period of time.

Regarding claim 28, Harlow teaches a switch (such as 110, 120 and 130, see Fig.1) comprising: an input for receiving a call for a party; signaling interface for sending a request to a database (175) for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with the party in response to the party previously selecting the function; and a switch fabric, wherein the call is routed from the input through the switch fabric to an output to a destination returned by the database using the calling sequence for the function (see col.2, lines 25-53).

Regarding claim 29, Harlow teaches the request sent from the signaling interface to the database is sent to a service control point (reads on SCP 170), which provides an interface to the database (175).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-3, 18-20, 30, 32-33 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow in view of Brennan (US PAT # 5,329,578).

Regarding claims 2 and 32, responsive to identifying call routing information, determining whether a call routing schedule based on time has been selected for routing the call; and responsive to a determination that a call routing schedule based on time is to be used, routing the call using a call routing schedule based on time.

Harlow's features have been discussed in the rejection above.

Harlow does not teach the routing scheduled would be based on time.

However, Brennan teaches allowing the subscriber to specify a time schedule for the call routing (see col. 6, lines 50-68 and col.7, lines 1-15).

Therefore, Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of specifying a time schedule for the call routing as described by Brennan in the Harlow system in order to give the subscriber the option of accepting phone calls at their convenience time and based on their schedule and availability.

Regarding claim 30, Harlow teaches service control point (SCP 170) comprising: an input/output interface (this reads on computer 112 connected to a telephone, see Fig.1), wherein request for routing information is received from a requestor (this reads on the SSP 110 for example that is connected to 112) at the input/output interface and routing information returned to the requestor a database (175) containing a plurality of calling sequences for subscribers; and a processing (reads on 113) unit connected to input/output interface and the database, wherein the processing unit has a plurality of modes of operation including: a first mode of operation in which the processing unit monitors for requests for routing information; a second mode of operation, responsive to

receiving a request, in which the processing unit identifies routing information for the call; a third mode of operation, responsive to identifying routing information for the call, in which the processing unit determines whether a function has been selected for routing the call; a fourth mode of operation, responsive to a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a sequence of destinations associated with the function; and a fifth mode of operation, responsive to an absence of a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a call routing schedule based on time.

Claim 30 will be rejected for the same reasons with respect to claim 1 and 2.

Regarding claims 3 and 33, Brennan teaches the method further comprising: responsive to a determination that a function has been selected for routing the call (the function reads on time in Brennan), determining whether a time period for the function has expired (this reads on the subscriber adjusting or extending the time schedule see col. 8, lines 54-60); responsive to a determination that a time period for the function has expired, routing the call; and routing the call using a call routing schedule based on time instead of using the sequence of destinations associated with the function.

Regarding claims 18 and 47, Brennan teaches the temporary period of time is a day (for example, see col.7, table chart).

Regarding claims 19 and 48, Harlow does not explicitly teach that responsive to the third destination being answered over a period of time, setting the third destination as the second destination, However, based on the availability of the which destination will answer the phone first will be placed as the primary to the first destination and that be obvious for one skilled in the art (see the example giving by Harlow col.8, lines 36-46).

Regarding claims 20 and 49, Harlow does not teach exactly that responsive to the second destination being answered over a period of time, setting the second destination as the first destination, However, Harlow priorities that in the case of the second destination which is "secondary number" will answer first, then the "the primary number" may be answered later on for a predetermined time period.

Regarding claim 46, wherein the second alternate destination is selected as the first alternate destination for a temporary period of time. Claim 46 will be rejected for the same reasons with respect to claims 20 and 49.

3. Claim 7-8, 10-13, 37-42 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al (US PAT # 6,330,322).

Regarding claim 7, wherein the method in a communications system for call routing a call, the method receiving a call to a subscriber; routing the call to the

subscriber using a sequence of destinations associated with the subscriber; and responsive to a success of routing the call to the subscriber to a destination within the sequence of destinations, automatically modifying the sequence of destinations used to call the subscriber, wherein the sequence of destinations is modified to favor destinations with successful call completions.

Foladare teaches routing the call to the current location of the subscriber based on retrieving messages from the current location. It does not explicitly teach routing to the current location based on the success of routing a call. However, there is more than one method that may be used to update the current location of the user (e.g., when user makes an outgoing call or receive an incoming call). The motivation is to always use the current location of the user to increase the success rate of reaching the user.

Claims 37 and 58 are rejected for the same reason with respect to claim 7.

Regarding claim 8, Foladare not specifically teaches the sequence of destinations is modified to favor destinations with a selected level of call completions, but this feature will be obvious.

Regarding claims 9 and 38, responsive to detecting initiation of a call by the subscriber from an origin absent from the sequence of destinations, modifying the sequence of destinations to include the origin as a destination within the sequence of

destinations (this is an obvious feature, basically one can modify and add any destination to the list of destinations).

Regarding claims 10 and 39, Foladare teaches the origin is included as a destination within the sequence of destinations for a period of time (see Abstract, see col.1, lines 41-47).

Regarding claims 11 and 40, wherein the calling line identifier is recorded to identify the origin from which the subscriber initiated the call (this feature is obvious).

Regarding claims 12 and 41, Foladare teaches the sequence of destinations is associated with a time slot (this basically reads on routing the call to the required telephone number at a certain time of the day, see col. 4, lines 47-54).

Regarding claims 13 and 42, Foladare teaches the sequence of destinations are associated with a function (this reads on the call forwarding function for example, when calling party trying to reach a subscriber at the specified location).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chestnut (US PAT # 6,404,874) it discloses a method and device for managing a telecommunication system, including call forwarding with a computer network (LAN, WAN, etc.).

Arbel (US PAT # 6,404,874) it discloses a method and apparatus for handling incoming telephone calls and, in particular for delivering pre- determined messages to predetermined calling parties. The predetermined selection criteria include information such as the calling parties, call origination information, and call origination information with wildcards.

Bissell et al (US PAT # 5,243,645) teaches messages that are automatically forwarded to an individual who is away for his/her home or office based upon information obtained when the individual engages in a transaction or activity.

Jain et al (US PAT # 6,104,799) teaches an algorithm for call set up and monitoring of calls intended for high end customers, who prefer to be reached any time, and where and very fast, allow for quick call set up by referring to customer profile data base in real time during the call set up process.

Eisdorfer et al (US PAT # 5,706,339) teaches a personal communication services (PCS) environment, where a call to a personal telephone number may be routed to a sequence of telephone numbers until the call is answered.

Jordan et al (US PAT # 4,313,035) teaches that a calling party may reach a called subscriber wherever the subscriber may be located by merely keying from a

standard push button telephone set a personal number unique to the subscriber. A subscriber may update the information stored at the centralized data base from any telephone.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner
Rasha S Al-Aubaidi
01-09-2002

Harry S. Hong
HARRY S. HONG
PRIMARY EXAMINER